

109TH CONGRESS
1ST SESSION

S. 320

To require the Secretary of the Army to carry out a pilot project on compatible use buffers on real property bordering Fort Carson, Colorado, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2005

Mr. ALLARD introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To require the Secretary of the Army to carry out a pilot project on compatible use buffers on real property bordering Fort Carson, Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fort Carson Conserva-
5 tion Act of 2005”.

1 **SEC. 2. PILOT PROJECT ON COMPATIBLE USE BUFFERS ON**
2 **REAL PROPERTY BORDERING FORT CARSON,**
3 **COLORADO.**

4 (a) IN GENERAL.—The Secretary of the Army shall
5 carry out a pilot project at Fort Carson, Colorado, for pur-
6 poses of evaluating the feasibility and effectiveness of uti-
7 lizing conservation easements and leases granted by one
8 or more willing sources to limit development and preserve
9 habitat on real property in the vicinity of or ecologically
10 related to military installations in the United States.

11 (b) PROCEDURES.—

12 (1) PHASES.—The Secretary shall carry out the
13 pilot project in four phases, as specified in the Fort
14 Carson Army Compatible Use Buffer Project.

15 (2) LEASE AND EASEMENT AGREEMENTS.—
16 Under the pilot project, the Secretary shall enter
17 into agreements with one or more eligible entities
18 who are willing to do so to purchase from the entity
19 or entities one or more conservation easements, or to
20 lease from the entity or entities one or more con-
21 servation leases, on real property in the vicinity of
22 or ecologically related to Fort Carson for the pur-
23 poses of—

24 (A) limiting any development or use of the
25 property that would be incompatible with the

current and anticipated future missions of Fort
Carson; or

(B) preserving habitat on the property in
a manner that—

(i) is compatible with environmental
requirements; and

(ii) may eliminate or reduce current
or anticipated environmental restrictions
that would or might otherwise restrict, im-
pede, or otherwise interfere, whether di-
rectly or indirectly, with current or antici-
pated military training, testing, or oper-
ations on Fort Carson.

(3) ENCROACHMENTS AND OTHER CON-
STRAINTS ON USE.—In entering into agreements
under the pilot project, the Secretary may, subject
to the provisions of this section, utilize the authority
for agreements under this subsection to limit en-
croachments and other constraints on military train-
ing, testing, and operations under section 2684a of
title 10, United States Code.

(4) RELATIONSHIP TO CURRENT USE PLAN.—
Any agreement entered into under the pilot project
shall be compatible with the Fort Carson Army
Compatible Use Buffer Project.

1 (c) EXPIRATION.—The authority of the Secretary to
 2 enter into agreements under the pilot project shall expire
 3 on the earlier of—

4 (1) the date of the completion of phase IV of
 5 the Fort Carson Army Compatible Use Buffer
 6 Project; or

7 (2) the date that is five years after the date of
 8 the enactment of this Act.

9 (d) DEFINITIONS.—In this section:

10 (1) The term “Fort Carson Army Compatible
 11 Use Buffer Project” means the Fort Carson Army
 12 Compatible Use Buffer Project, a plan to use con-
 13 servation easements and leases on property in the vi-
 14 cinity of or ecologically related to Fort Carson to
 15 create a land buffer to accommodate current and fu-
 16 ture missions at Fort Carson while conserving sen-
 17 sitive natural resources.

18 (2) The term “eligible entity” means any of the
 19 following:

20 (A) A State or political subdivision of a
 21 State.

22 (B) A private entity that has as its stated
 23 principal organizational purpose or goal the
 24 conservation, restoration, or preservation of

1 land and natural resources, or a similar purpose
2 or goal, as determined by the Secretary.

3 (e) FUNDING.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—

5 Funds are hereby authorized to be appropriated to
6 the Department of Defense for fiscal year 2006 for
7 the Department of Defense, for expenses not other-
8 wise provided for, for operation and maintenance for
9 Defense-wide activities in the amount of
10 \$30,000,000, to be available for the pilot project.

11 (2) AVAILABILITY WITHOUT FISCAL YEAR LIM-
12 TATION.—Funds authorized to be appropriated by
13 paragraph (1) shall be available without fiscal year
14 limitation.

○